

Serial No. 09/756,821

- (1) providing a tubular pipe having at least one open end;
  - (2) forming a thermally conductive material around said tubular pipe;
  - (3) filling said tubular pipe with heat pipe media via said at least one open end;
- and
- (4) closing said at least one end with said heat pipe media sealed therein.

#### **REMARKS**

This amendment is responsive to the office action dated October 28, 2002.

Claims 1-3, 5, 7-8 and 12-14 were pending in the application. Claims 1-3, 5, 7-8 and 12-14 are under FINAL rejection.

By way of this amendment, the Applicant has amended Claim 1 as suggested by the Examiner in order to place the application in condition for allowance. Claims 12-14 have been canceled.

Accordingly, Claims 1-3, 5 and 7-8 are currently pending.

#### **I. REJECTION OF CLAIMS UNDER 35 USC 102**

Claims 1-3, 5 and 7-8 were rejected under 35 USC 102(b), as being anticipated by AAPA. The Examiner stated that since the Applicant's claims did not include specific limitations with respect to the required order of the steps of the method. Thus, the claims could read on the AAPA.

The Applicant has amended the claims to specify the order in which the process is performed to clearly distinguish the claimed subject matter from the AAPA. As a result, the claims now specifically require that the tube be charged after the material is overmolded around it. The Applicant believes that this amendment is in accordance with the requirements of §1.116 as an amendment placing the application in condition for allowance.

Since the claims of the present invention as amended include claim limitations not provided in the cited AAPA, the rejection is no longer believed to be applicable. Reconsideration, and withdrawal of the rejection is respectfully solicited.

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II. REJECTION OF CLAIMS UNDER 35 USC 103

Claims 12-14 were rejected under 35 USC 103(a) as being unpatentable over AAPA in view of Breault. The Applicant has canceled Claims 12-14 therefore rendering this rejection moot.

III. CONCLUSION

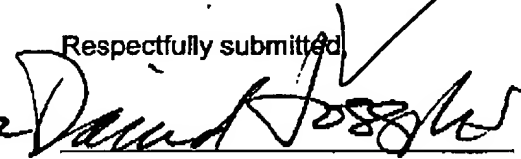
Accordingly, Claims 1-3, 5 and 7-8 are believed to be in condition for allowance and the application ready for issue.

Corresponding action is respectfully solicited.

PTO is authorized to charge any additional fees incurred as a result of the filing hereof or credit any overpayment to our account #02-0900.

Respectfully submitted

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**ATTACHMENT A**

Amended claims with markings to show the revisions made.

1. (Amended) A method of manufacturing a heat pipe construction, comprising, in order, the steps of:

(1) providing a tubular pipe having at least one open end;

(2) forming a thermally conductive material around said tubular pipe;

(3) filling said tubular pipe with heat pipe media via said at least one open end;

and

(4) closing said at least one end with said heat pipe media sealed therein.